

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**5:07cv61**

**MARIE TEMPLETON WELLMAN,** )  
**Administratrix of the Estate of Sidney** )  
**Jonathan Templeton,** )  
 )  
**Plaintiff,** )  
 )  
**Vs.** )  
 )  
**MICHAEL DWAYNE SHARPE, et al.,** )  
 )  
**Defendant.** )

---

**ORDER**

**THIS MATTER** is before the court on the court's own Motion for Case Status. On June 12, 2007, plaintiff filed the instant action and caused to be issued summonses for defendants. Plaintiff had 120 days within which to serve such defendants, Fed.R.Civ.P. 4(m), and no service has been proven upon the docket, Fed.r.Civ.P. 4(l), or a motion made under Rule 4(m) to enlarge despite the passage of 246 days. Counsel is, respectfully, advised that cases are not allowed to lay dormant in federal court, and unless some action is taken to move this case forward, it is likely that the court will dismiss the action for lack of prosecution.

**ORDER**

**IT IS, THEREFORE, ORDERED** that court's own Motion for Case Status is **ALLOWED**, and plaintiff shall take action to move this case forward or file an appropriate dismissal document not later than February 22, 2008. Failing such, the undersigned will recommend to the district court that this action be dismissed for lack of prosecution.

Signed: February 13, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

